

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

Criminal No. 1:19-MJ-484

ROGER ANTONIO BARTON OCHOA,  
a/k/a "Roger Antonio Ochoa Barton,"  
a/k/a "Roy Bartonchoa,"  
a/k/a "X Ochoa,"

Defendant.

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST**  
**WARRANT**

I, Kevin Ho, being duly sworn, depose and state:

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement (ICE) at Fairfax, Virginia. I have been employed with ICE for more than ten years. I was previously employed as a Customs and Border Protection Enforcement Officer for the U.S. Customs & Border Protection and its predecessor, the United States Immigration and Naturalization Service, since April 1996. During that time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint charging ROGER ANTONIO BARTON OCHOA (also known as “Roger Antonio Ochoa Barton,” “Roy Bartonchoa,” and “X Ochoa,” hereafter referred to as BARTON OCHOA) with being found in the United States, after being denied admission, excluded, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Section 1326(a) and (b)(2). This affidavit is also submitted in support of an arrest warrant.

4. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the Government.

#### **SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE**

5. On or about August 13, 2019, ICE Homeland Security Investigations (HSI) received information from the HSI TIP Line regarding information on BARTON OCHOA, a native and citizen of El Salvador, who was previously removed from the United States. The tipster stated that BARTON OCHOA came back to the United States and had been reported going to the address at 8110 Halsey Court, Manassas, Virginia 20109, which is in the Eastern District of Virginia. This tip was referred to the ICE Enforcement Removal Operation (ERO) Washington Field Office for further investigation.

6. On or about October 16, 2019, ICE ERO Mobile Criminal Alien Team (MCAT), in Lorton, Virginia, along with Virginia State Police and Customs and Border Protection Officers conducted an operation at 8110 Halsey Court, Manassas, Virginia 20109 in order to locate BARTON OCHOA. During the operation, a vehicle pulled up to the residence and the driver was quickly identified by the officers as BARTON OCHOA. BARTON OCHOA was taken into custody by the Virginia State Police for an outstanding Felony charge.

7. On or about October 16, 2019, U.S. ICE in Lorton, Virginia, received information from the Prince William-Manassas Adult Detention Center located in Manassas, Virginia, which is in the Eastern District of Virginia, that BARTON OCHOA, a native and citizen of El Salvador, was being detained at the Prince William-Manassas Adult Detention Center on a felony charge. An immigration detainer was filed with Prince William-Manassas Adult Detention Center on October 16, 2019.

8. Section 287(g) of the Immigration and Nationality Act permits performance of immigration officer functions by state officers and employees (referred to herein as “ICE 287(g) Officers”) provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn ICE officers.

9. BARTON OCHOA was fingerprinted on or about October 16, 2019. Those fingerprints were then processed through ICE indices containing fingerprint records of known and previously deported aliens. This system is also integrated with the criminal records maintained by the FBI and is commonly referred to as Next Generation Identification (NGI). Results of this query showed positive matches to BARTON OCHOA and his FBI number.

10. On or about October 16, 2019, BARTON OCHOA was interviewed by ICE 287(g) Jail Enforcement Officer J. Huff pursuant to Title 8, United States Code, Section 1357 for alienage and deportability. BARTON OCHOA freely and voluntarily gave a sworn statement to Officer Huff. A sworn statement was taken wherein the following information was provided to Officer Huff. BARTON OCHOA stated:

- a) that his true and correct name is Roger Antonio Barton Ochoa;
- b) that he was born in 1982 in Sonsonate, El Salvador;
- c) that he is a citizen of El Salvador;
- d) that he was previously deported from the United States.

11. On or about November 1, 2019, your affiant conducted a review of documents from BARTON OCHOA'S digitized immigration file that is maintained by the United States Bureau of Citizenship and Immigration Services. The file, also known as an alien file, contained an executed Immigration Service form I-205, Warrant of Removal/Deportation, bearing the photograph, fingerprint, and signature of BARTON OCHOA. BARTON OCHOA was removed from the United States on or about November 17, 2007 from Washington Dulles International Airport, Virginia.

12. On or about November 1, 2019, your affiant asked the ICE Homeland Security Investigations (HSI) Forensic Laboratory to compare the fingerprints that ICE obtained from BARTON OCHOA on or about October 16, 2019, with an individual print taken from RAMOS HERNANDEZ'S I-205 showing his removal from November 17, 2007 and a complete set of fingerprints taken from BARTON OCHOA'S alien file that were associated with his prior immigration arrests. On or about November 5, 2019, the ICE HSI Forensic Laboratory successfully matched all submitted fingerprints to BARTON OCHOA.

13. BARTON OCHOA'S alien file indicates that BARTON OCHOA does not have any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally and that he has neither sought nor

obtained permission from the Attorney General or the Secretary of Homeland Security to reenter the United States following his formal removal.

14. Documents contained in BARTON OCHOA'S immigration file revealed that he had previously been convicted on or about October 19, 2006 of a crime that meets the definition of an aggravated felony, to wit: Indecent Liberties, in the Circuit Court of Prince William County, Virginia, in violation of Virginia State Code 18.2-370 for which BARTON OCHOA was sentenced to a term of imprisonment of 10 years.

### CONCLUSION

15. Based on the foregoing, I submit that there is probable cause to believe that on or about October 16, 2019, in Manassas, Virginia, within the Eastern District of Virginia, the defendant ROGER ANTONIO BARTON OCHOA, having been removed from the United States on or about November 17, 2007, after having been convicted of an aggravated felony, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Homeland Security, to reapply for admission to the United States.



Kevin Ho  
Deportation Officer  
U.S. Immigration and Customs Enforcement

Sworn to and subscribed before me on the 14<sup>th</sup> day of November 2019, in Alexandria, Virginia.

/s/ JFD  
John F. Anderson  
~~United States Magistrate Judge~~  
Honorable John F. Anderson  
United States Magistrate Judge